

**ORIGINAL***I do/did proposed order*CLERK, U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIF.  
LOS ANGELES

2010 JUL 12 PM 4:02

**FILED**

1 DURIE TANGRI LLP  
2 DARALYN J. DURIE (SBN 169825)  
3 ddurie@durietangri.com  
4 MARK A. LEMLEY (SBN 155830)  
5 mlemley@durietangri.com  
217 Leidesdorff Street  
San Francisco, CA 94111  
Telephone: (415) 362-6666  
Facsimile: (415) 236-6300

6 KIRKLAND & ELLIS LLP  
7 MARK A. PALS, P.C. (*pro hac vice*)  
mpals@kirkland.com  
8 MARCUS E. SERNEL (*pro hac vice*)  
msernel@kirkland.com  
300 North La Salle  
9 Chicago, IL 60654  
(312)862-2000(o); (312)862-2200(f)

10 Attorneys for Defendant GENENTECH, INC.

11 IRELL & MANELLA, LLP  
12 DAVID I. GINDLER (SBN 117824)  
dgindler@irell.com  
13 JOSEPH M. LIPNER (SBN 155735)  
jlipner@irell.com  
14 1800 Avenue of the Stars  
Los Angeles, CA 90067  
15 (310)277-1010(o); (310)203-7199(f)

16 Attorneys for Defendant CITY OF HOPE

17 UNITED STATES DISTRICT COURT  
18 CENTRAL DISTRICT OF CALIFORNIA  
19 WESTERN DIVISION

20 CENTOCOR ORTHO BIOTECH, INC.,  
21 Counter-Defendant,

22 v.

23 GENENTECH, INC., and CITY OF  
HOPE,

24 Counter-Plaintiffs.

25 Case No. CV 08-03573 MRP (JEMx)

26 **APPLICATION TO FILE UNDER SEAL  
DOCUMENTS IN SUPPORT OF  
GENENTECH, INC. AND CITY OF  
HOPE'S MOTION TO PRECLUDE OR  
STRIKE TESTIMONY OF DR. WALL**

27 Date: August 17, 2010  
Time: 11:00 a.m.  
Judge: Hon. Mariana R. Pfaelzer  
Ctrm: 12

28 **APPL. TO FILE UNDER SEAL DOCS. ISO DEF'S. MOT. TO PRECLUDE OR STRIKE TEST.  
OR DR. WALL / Case No. CV 08-03573 MRP (JEMx)**

1 PLEASE TAKE NOTICE that pursuant to Local Rule 79-5.1, Defendants and  
2 Counter-Plaintiffs Genentech, Inc. and City of Hope seek leave to file the following  
3 documents under seal:

- 4 1. Memorandum of Points and Authorities in Support of Defendants  
5 Genentech, Inc. and City of Hope's Motion to Preclude or Strike Testimony of Dr. Wall;
- 6 2. Declaration of Daralyn J. Durie in Support of Defendant Genentech, Inc. and  
7 City of Hope's Motion to Preclude or Strike Testimony of Dr. Wall, with the exhibits set  
8 forth below:
- 9 3. Exhibit A to Durie Declaration: Expert Report of Randolph Wall, Ph.D.,  
10 designated confidential pursuant to the protective order herein;
- 11 4. Exhibit B to Durie Declaration: Responsive Expert Report of Randolph  
12 Wall, Ph.D., designated confidential pursuant to the protective order herein; and
- 13 5. Exhibit C to Durie Declaration: Transcript of June 11, 2010 deposition of  
14 Randolph Wall, Ph.D., designated confidential pursuant to the protective order herein.

15 The documents sought to be filed under seal contain confidential information  
16 pursuant to the protective order. Therefore, Genentech seeks a Court order to seal these  
17 documents.

18 For the foregoing reasons, Genentech and City of Hope respectfully request that  
19 the Court grant this application and order that (1) Memorandum of Points and Authorities  
20 in Support of Defendants Genentech, Inc. and City of Hope's Motion to Preclude or  
21 Strike Testimony of Dr. Wall and (2) Declaration of Daralyn J. Durie in Support of  
22 Defendant Genentech, Inc. and City of Hope's Motion to Preclude or Strike Testimony of

23 / / /

24 / / /

25 / / /

26 / / /

27 / / /

1 Dr. Wall and Exhibits A, B and C thereto be filed under seal.

2 Genentech and City of Hope are filing, concurrent with this Application, a  
3 proposed order sealing the above-referenced documents.

4

5 Dated: July 12, 2010

By: /s/ Daralyn J. Durie

6 Daralyn J. Durie  
Mark Lemley  
7 DURIE TANGRI LLP  
217 Leidesdorff Street  
San Francisco, CA 94111

8 Attorneys for Defendant GENENTECH, INC.  
9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1                   CERTIFICATE OF SERVICE

2                   I certify that all counsel of record are being served on July 12, 2010 with a  
3 copy of this document via the Court's CM/ECF system.

4                   Bruce G. Chapman, Esq.       **bchapman@cblh.com**  
5                   Keith D. Fraser, Esq.         **kfraser@cblh.com**  
6                   Dianne B. Elderkin, Esq.      **delderkin@akingump.com**  
7                   Barbara L. Mullin, Esq.        **bmullin@akingump.com**  
8                   Steven D. Maslowski, Esq.     **smaslowski@akingump.com**  
9                   Angela Verrecchio, Esq.       **averrecchio@akingump.com**  
10                  Matthew A. Pearson, Esq.      **mpearson@akingump.com**  
11                  Rubén H. Muñoz, Esq.         **rmunoz@akingump.com**

12                  I declare under penalty of perjury under the laws of the United States of  
13 America that the foregoing is true and correct. Executed on July 12, 2010, at San  
14 Francisco, California.

15  
16                  \_\_\_\_\_  
17                  *Margaret Ann Franz*  
18                  Margaret Ann Franz  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28